

**PUBLIC NOTICE**

**HEALTH**

**HEALTH SYSTEMS BRANCH**

**CERTIFICATE OF NEED AND LICENSING DIVISION**

**Notice of Action on Petition for Rulemaking**

**Staffing Requirements for Inpatient Dialysis Services**

**N.J.A.C. 8:43G-30.6**

Petitioner: Shaunak Dwivedi, D.O.

**Take notice** that the Department of Health (Department) has determined to grant the petition for rulemaking that is described below.

On May 30, 2023, the Department received a petition for rulemaking from the above petitioner requesting that the Department make certain amendments at N.J.A.C. 8:43G-30.6(a), pertaining to hospital licensing standards, renal dialysis, staffing requirements for inpatient dialysis services. A notice acknowledging receipt of the petition was published in the New Jersey Register on August 7, 2023, at 55 N.J.R. 1761(b). The petitioner requested that the Department eliminate the requirement at N.J.A.C. 8:43G-30.6(a)1, which requires a nephrologist to be present during the initiation of a patient's first hospital inpatient dialysis treatment, because it is unnecessary as there is no data to support the presence of a nephrologist at a patient's bedside during the initiation of the patient's first inpatient dialysis treatment decreases morbidity or mortality.

The Department proceeded to conduct its own research of the issue. The Department spoke with physicians licensed in New Jersey, specializing in nephrology,

who confirmed that the petitioner's request is reasonable and appropriate in most situations. Additionally, the Department examined the regulations of over 20 other states, including Illinois, New York, Maryland, and Pennsylvania, and found that no state that was reviewed had a similar requirement. The New Jersey requirement is unique and is out-of-line with other states. Further, the Federal rules at Title 42 Chapter 4, Subchapter G, Part 494, Conditions for Coverage for End-Stage Renal Disease Facilities, do not require a nephrologist to be present. As such, the Department has determined to grant the petition for rulemaking and will amend N.J.A.C. 8:43G-30.6(a)1 to eliminate the requirement that a nephrologist be present during the initiation of a patient's first hospital inpatient dialysis treatment.

In accordance with the Administrative Procedure Act and the Office of Administrative Law's implementing rules at N.J.A.C. 1:30-4.2, the Department will initiate a rulemaking within 90 days of granting this petition.

A copy of this notice has been mailed to the petitioner in accordance with N.J.A.C. 1:30-4.2.